

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

April 5, 2004

Re: MDL-1586-*In re Mutual Funds Investment Litigation*

Dear Counsel:

This will confirm some of the matters discussed during the organizational meeting held on April 2, 2004.

Schedule

Organization of counsel issues

April 16, 2004	Deadline for plaintiff's counsel and defense counsel to submit report <i>re</i> whether organizational structure has been agreed upon (and, if so, a proposed structure). This report should be sent to my chambers email box, MDD_JFMChambers.
April 19, 2004	Deadline for any counsel who seek to be appointed as lead counsel under the PSLRA to file motion seeking such appointment. (In order to make the record clear and prevent any subsequent objections, these motions are to be filed whether or not plaintiff's counsel have been able to agree upon a proposed organizational structure).
April 26, 2004	Deadline for objections to the motions for appointment as lead counsel
May 3, 2004 4:00 p.m.	Hearing on motions for appointment as lead counsel. (This hearing will be canceled if it is not necessary to rule on any objections).

Remand Issues

April 16, 2004	Deadline for plaintiffs to file omnibus memorandum in support of motions to remand (Andrew Friedman should take the lead in coordinating the filing of this memorandum. The memorandum should
----------------	---

be filed in all of the tracks that have been established by April 16. Mr. Isbister should serve as liaison between Mr. Friedman and the clerk's office for implementing these filings).

April 30, 2004

Deadline for defendants to file omnibus opposition to motions to remand. (Defendants whose cases have not yet been transferred to Maryland may, as *amicus curiae*, file very brief supplemental oppositions raising any issues particular to their own cases. Defense counsel should advise plaintiffs' counsel in the cases not yet transferred that they are filing supplemental memoranda and that the plaintiffs have the right to file very brief replies by May 7, 2004. The omnibus opposition and any supplemental memoranda should be filed in all tracks.)

May 7, 2004

Deadline for plaintiffs to file omnibus reply and for plaintiffs whose cases have not yet been transferred to Maryland to file very brief supplemental replies addressing any particular issues raised by defendants' supplemental memoranda in their cases. (All memoranda should be filed in all tracks).

May 21, 2004 at 9:30 a.m.

Hearing on motions to remand.

*Stay of Discovery Issues*¹

May 28, 2004

Deadline for plaintiffs to file motion to lift discovery stay in cases instituted under the PSLRA

June 18, 2004

Deadline for defendants to file opposition to plaintiffs' motion and to file cross-motion for protective order in cases not instituted under the PSLRA

¹The deadlines for defendants' opposition and cross-motions, plaintiffs' opposition/reply, and defendants' reply are based upon the assumption that judges will be available on July 16, 2004. In the event that judges turn out not to be available on July 16, 2004, the briefing schedule can be amended to provide counsel with more time to file their memoranda.

Mr. Friedman, who represents many plaintiffs in state actions that have been remanded and who has opposed discovery stay motions filed by defendants in those actions, indicated he is willing to defer any request for discovery in the state cases until after the hearing on discovery issues in the MDL cases. Unless counsel for other plaintiffs in remanded actions advise us to the contrary immediately, we will assume they too will defer discovery in their cases for the same interim period.

June 25, 2004	Deadline for plaintiffs to file opposition/reply
July 2, 2004	Deadline for defendants to file reply
July 16, 2004 9:30 a.m.	Hearing (Possible alternative hearing dates, depending upon judges' availability, are July 23, 2004, or August 5, 2004.)

Miscellaneous

April 5, 2004	Deadline for Mr. Perry to submit report <i>re</i> states of incorporation of various defendants and recommendations for grouping of defendants. This report, which will help us in deciding what tracks to establish, should be sent to my chambers email box.
April 30, 2004	Deadline for counsel to submit status report <i>re</i> whether they have reached agreement on document preservation and confidentiality order
May 28, 2004	Deadline for plaintiffs to file consolidated complaints in Maryland (or consolidated amended complaints in cases that have been transferred to Maryland)

Motions to Dismiss

(Counsel to propose a briefing schedule after lead counsel have been appointed. The schedule will provide for reply memoranda to be submitted no later than September 15, 2004)

October 4, 2004 9:30 a.m.	Hearing
------------------------------	---------

Tracks

Tracks will be established by families of funds. Subject to the manner in which plaintiffs' counsel are ultimately organized and plaintiffs' claims presented, subtracks will be established within each track for the different types of claims being asserted, e.g., class investor claims and ERISA claims, fund derivative claims, and parent derivative claims. When filing documents, counsel should specify the pertinent subtrack in the case caption and in the docket entry.

Each track will have a separate case number. During the organizational meeting, I indicated that the case numbers would be 04-md-1586-01, 04-md-1586-02, etc. I have since learned that the system will not accommodate that many numbers. Therefore, the case numbers will be 04-md-01, 04-md-02, etc. (the "md" denoting "multi-district").

There will not be a single “cm/ecf universe” for the MDL as a whole. Instead, there will be a separate “cm/ecf galaxy” for each track. Unless they are a member of a horizontal liaison committee, counsel may enter their appearance only in cases where they represent a party. If counsel want to monitor other tracks, they should establish a PACER account and check the dockets.

Attorney Admissions and CM/ECF Registration

We have prepared a simplified pro hac admissions form for purposes of the MDL. The form can be accessed at our website by clicking on “Policies & Publications” and then clicking on “Forms.” As indicated on the form, the pro hac fee is waived.

If counsel want to enter their appearance in an MDL track, they must enter their appearance in the track after it is established.

Counsel must also register in our cm/ecf system. Counsel may not designate more than two email addresses to receive cm/ecf notices. (Counsel may wish to have their own IT departments establish one email box which is accessible by more than one person in their firm. The address of this email box could be the address (or one of the two addresses) noted on the registration form.)

CM/ECF Training

It is essential that the members of your staff be carefully trained how to docket documents in cm/ecf and on our cm/ecf procedures. Generalized training is available in both our Baltimore and Greenbelt courthouses. To schedule such training in Baltimore, please contact Christina Wohlfort at 410-952-3625. To schedule such training in Greenbelt, please contact Pat Fosbrook at 301-344-3123. If you would like to coordinate a training session focused on these MDL proceedings, please contact Elizabeth Michael at 410-962-0991.

Courtesy Paper Copies

We ask that you submit to the judge or judges considering a particular issue two courtesy paper copies of any memorandum or other document exceeding fifteen pages. (Our cm/ecf procedures manual asks for only one courtesy paper copy of such documents.) The courtesy copies should be sent directly to a judge’s chambers. Judge Blake, Judge Davis, and I all sit in the Baltimore courthouse at 101 W. Lombard Street, Baltimore, Maryland, 21201. Judge Stamp sits in Wheeling. Judge Stamp’s mailing address is P.O. Box 791, Wheeling, West Virginia, 26003. His address for hand deliveries is U.S. Courthouse, 12th and Chapline Streets, Room 228, Wheeling, West Virginia, 26003.

Use of CM/ECF for Transmitting Discovery Documents

Our cm/ecf procedures manual provides that cm/ecf should not be used for transmitting discovery requests and materials. We recognize that in cases involving numerous counsel, the use of cm/ecf for that purpose might be useful. Therefore, we are willing to waive that provision of our

procedures manual in the event you would like us to. This is an issue that you should take up with one another after lead counsel have been appointed.

Again, on behalf of Judges Blake, Davis, Stamp, and myself, we want to thank all of you for the professional manner in which you are handling this litigation.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge

cc. Honorable Catherine C. Blake
Honorable Andre M. Davis
Honorable Frederick P. Stamp, Jr.